

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

LYNN Z. SMITH,

Appellant,

v.

CAROL L. KNOWLTON, ESQ.,

Appellee.

Civ. No. 18-14350

MEMORANDUM ORDER

R E C E I V E D

OCT 15 2018

AT 8:30 <sup>3:40 P.M.</sup>  
WILLIAM T. WALSH  
CLERK

THOMPSON, U.S.D.J.

IT APPEARING that Appellant Lynn Z. Smith ("Appellant") filed an Emergent Motion (ECF No. 3) requesting that this Court (1) stay the sale of Appellant's home pending this appeal, and (2) permit Appellant to retrieve all personal items from her home on October 16, 2018; and it further

APPEARING that a stay pending appeal is appropriate only where the movant demonstrates, *inter alia*, that she is likely to succeed on the merits of the appeal, *In re Revel AC, Inc.*, 802 F.3d 558, 568 (3d Cir. 2015); and it further

APPEARING that Appellant has not shown why either of the Bankruptcy Court's orders that are the subject of the present appeal were erroneous as a matter of fact or law, and has therefore failed to demonstrate that she is likely succeed on the merits of the present appeal; and it further

APPEARING that Appellant's request for permission to retrieve personal items from her home is essentially an appeal of the Bankruptcy Court's Order dated October 5, 2018 (Bankruptcy ECF No. 301); and it further

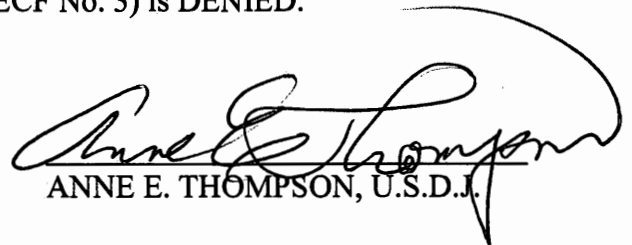
APPEARING that the Bankruptcy Court's Order dated October 5, 2018 did not provide final disposition of a dispute and was therefore interlocutory, *see In re Energy Future Holdings Corp.*, 2018 WL 4354741, at \*7 (3d Cir. Sept. 13, 2018); and it further

APPEARING that this Court's jurisdiction to hear interlocutory appeals is constrained both by statute, 28 U.S.C. § 158(a), and the Court's discretion, *see* Hon. William L. Norton Jr. et al., Norton Bankruptcy Law & Practice § 170:14 (3d ed., Oct. 2018 update); and it further

APPEARING that hearing this interlocutory appeal would be an inappropriate exercise of the Court's authority;

IT IS on this 15th day of October, 2018,

ORDERED that Appellant's Emergent Motion (ECF No. 3) is DENIED.

  
ANNE E. THOMPSON, U.S.D.J.